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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,291	04/12/2004	Hung-Ming Huang	JSP4026-GFP-932538	2671
7590 01/26/2005			EXAMINER	
Hung-Ming Huang			TRUONG, THANH K	
235 Chung- Ho			ART UNIT PAPER NUMBER	
Box 8-24			3721	
Taipei,			DATE MAILED: 01/26/2005	
TAIWAN				

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

Office Action Summary	Application No. 10/822,291	Applicant(s) HUANG, HUNG-MING	
	Examiner Thanh K Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation: "the same polarity of magnetic elements of the receiving unit and the main casing are oppositely arranged so as to generate and impulsive force which are used for separating the main casing and the sub-casing", in claim 1, lines 13-16 is indefinite, because it is confusing. According to the disclosure and specifically figure 7, the impulsive force is used for separating the main casing and the receiving unit not the sub-casing as recited in claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mukoyama (4,600,135) in view of Bader (3,568,908) and Lee (5,146,701).

Mukoyama discloses an apparatus comprising:

a main casing 5A;
a sub-casing 5B pivotally installed to the main casing to form a casing 5;
a receiving unit 20, for receiving a plurality of nails, positioned below the main casing and received in the casing.

Mukoyama discloses the claimed invention, but does not expressly disclose the use of the magnetic element to generate an impulsive force for separating the main casing and the receiving unit.

Bader discloses an apparatus in which the spring 38 is used to generate an impulsive force for separating the main casing 16 and the receiving unit 19 (figure 3) to provide a quick and easy means to eject the cover to permit the placing of fasteners (column 1, lines 10-13).

Lee discloses (figures 4-6) an apparatus comprising magnetic elements 16, 21 in which the impulsive force of the magnetic element (generated by positioning the same polarity of magnetic element facing each other) are used for separating the unit 1 and 2 apart. Lee teaching provides a simple and effective means to eject one part from another.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Mukoyama's apparatus by incorporating the mechanism to eject the receiving unit from the casing as taught by Bader to provide an easy and quick means to placing the fastener in the receiving unit, and using the magnetic element to separating two units apart as suggested by Lee to provide a simple and effective means to separating two unit apart.

The modified reference further discloses: an inclined resisting portion 23; the push portion 38 (spring 38 provides pushing force) corresponding to the resisting portion of the sub-casing (Bader, figure 3).

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukoyama (4,600,135) in view of Bader (3,568,908) and Lee (5,146,701) and further in view of Sato et al. (3,945,551).

As discussed above in paragraph 4 of this office action, the modified reference Mukoyama discloses the claimed invention, but does not expressly disclose the adjustable receiving unit as recites in claim 3.

Sato discloses an apparatus comprising: an adjustable revolving disk 68 (figure 16 - Sato) is installed in the receiving unit to provide a means for receiving nails of different sizes. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Mukoyama apparatus so that the receiving unit is adjustable as taught by Sato providing an effective means for receiving nails of different sizes.

Sato further discloses at least two scale lines 71-73 are installed at an inner side of the main casing as a reference in adjustment of the receiving disk (figure 17 - Sato).

Allowable Subject Matter

6. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt
January 23, 2005.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700